

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION

RICHARD HERMAN,)	Case No. <u>14-389</u>
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL
)	
STATE OF IOWA, JANE ENFIELD,)	
CITY OF WAUKON, AND ROBERT)	
CAMPBELL,)	
)	
Defendants.)	

COME NOW defendants, City of Waukon and Robert Campbell, with the consent of defendants, State of Iowa and Jane Enfield, and give notice of the removal of the above-captioned action, which is currently pending in the Iowa District Court for Polk County under Docket No. LACL130981, to the United States District Court for the Southern District of Iowa, Central Division, and in support thereof state:

1. On August 26, 2014, plaintiff Richard Herman filed his petition against defendants State of Iowa, Jane Enfield, City of Waukon, Iowa, and Robert Campbell in the Iowa District Court in and for Polk County under Docket No. LACL130981.

2. Defendants City of Waukon and Robert Campbell first received a copy of the initial pleading when they were served with an original notice on September 8 and 9, 2014, respectively.

3. Defendants State of Iowa and Jane Enfield first received a copy of the initial pleading when they accepted service of original notice on September 18, 2014.

4. Plaintiff's petition asserts state and federal claims against all defendants arising out of the termination of his employment by defendant, City of Waukon, on December 31, 2012.

Count 1 of plaintiff's petition asserts a claim against defendants, City of Waukon and Robert Campbell, for disability discrimination in violation of the Iowa Civil Rights Act and the Americans with Disabilities Act; Count 2 asserts a claim for disability discrimination against defendants, State of Iowa, Department of Natural Resources and Jane Enfield, for violation of the Iowa Civil Rights Act and Americans with Disabilities Act; and Count 3 asserts a claim for violation of public policy against defendants, State of Iowa, Department of Natural Resources and City of Waukon.

5. This court has jurisdiction over the claims asserted in plaintiff's petition under the provisions of 28 U.S.C. §1441 and 28 U.S.C. §1331, providing for removal and original jurisdiction of all civil actions arising under the constitution, laws, or treaties of the United States.

6. This notice is timely filed under the provisions of 28 U.S.C. §1446(b), providing that the notice of the removal of a civil action or proceeding should be filed within thirty days after the receipt by the defendants, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

7. As required by 28 U.S.C. §1446(d), written notice of removal is being given to all adverse parties and a copy of the notice is being filed with the Clerk of the Iowa District Court for Polk County.

8. As required by 28 U.S.C. §1446(b)(2)(A) all defendants consent to the removal of this action.

9. The list required by Local Rule 81(a) of this court is being filed with this notice.

Respectfully submitted,

SWISHER & COHRT, P.L.C.

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ATTORNEYS FOR DEFENDANTS

ROBERT CAMPBELL AND CITY OF WAUKON

Original filed.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document was served upon counsel of record for each party to the action in compliance with FRCP 5 on September 29, 2014 by:

- ☒ Electronically via ECF for ECF registrants
- ☐ U.S. Mail
- ☐ Fax
- ☐ Fed Ex
- ☐ Hand Delivered
- ☐ Other:

/s/ Kristy A. Kohring